REMARKS

This is in full and timely response to the Restriction Requirement made in the Office Action mailed on September 14, 2007.

Because October 14, 2007, the first month after the mailing date of the Office Action, falls on a Sunday, the period for response is extended to October 15, 2007, which is the next day that is neither a Saturday, Sunday nor a Federal holiday in the District of Columbia. Reexamination in light of the following remarks is respectfully requested.

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Election

The Applicant, through its representatives and attorneys, hereby provisionally elects, ***WITH traverse***, the invention of the alleged **Specie I**, having claims 14-25 and 28 readable thereon.

Traversal

For the reasons provided hereinbelow, the Restriction Requirement is respectfully ***traversed***.

1. The above-identified application is an application under 35 U.S.C. §371

The above-identified application was filed under 35 U.S.C. §371 and 37 C.F.R. §§1.494 or 1.495, being based upon international application No. PCT/JP2004/014163 having an International filing date of September 28, 2004.

Accordingly, M.P.E.P. §1893.03(d) provides that the ***principles of unity of invention*** are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application.

When making a lack of unity of invention requirement, the examiner must:

(1) List the different groups of claims; *and*

(2) Explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

However, the Restriction Requirement of September 14, 2007 ***fails*** to explain why each group lacks unity with each other group.

Thus, the Restriction Requirement is improper at least for this reason.

2. No burden to the Examiner

If the search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to distinct or independent inventions. M.P.E.P. §803.

Specifically, practice and procedures within USPTO also dictate that not only must the art be searched within which the invention claimed is classifiable, but also all analogous arts regardless of where classified. M.P.E.P. § 904.01(c).

As such, the search and examination of an entire application can be made without serious burden, and the examiner ***must*** examine it on the merits, even though the application may include claims to distinct or independent inventions. M.P.E.P. §803.

Withdrawal of this Restriction Requirement and examination of all pending claims is respectfully requested.

Applicant believes *no fee* is due with this response. If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: October 15, 2007

Respectfully submitted,

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